

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:  
THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA  
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the  
Commonwealth, HTA, and ERS.**

**INFORMATIVE MOTION OF THE COMMONWEALTH OF PUERTO RICO, THE  
PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY, AND THE  
EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE  
COMMONWEALTH OF PUERTO RICO REGARDING RESPONSE FILED BY  
CARMEN RUIZ DIAZ [ECF NO. 17497] TO THREE HUNDRED FIFTY-FIRST  
OMNIBUS OBJECTION (NON-SUBSTANTIVE) TO PARTIAL DUPLICATE  
LITIGATION CLAIMS**

To the Honorable United States District Judge Laura Taylor Swain:

In compliance with the Court's oral order at the January 20, 2022 hearing (the "Hearing") regarding the *Three Hundred Fifty-First Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, and the*

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (vi) Puerto Rico Public Buildings Authority ("PBA", and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the "Debtors") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

*Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Partial Duplicate Litigation Claims* [ECF No. 17112] (the “Three Hundred Fifty-First Omnibus Objection”), the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Highways and Transportation Authority (“HTA,” and together with the Commonwealth and ERS, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> file this informative motion (the “Informative Motion”) regarding the Three Hundred Fifty-First Omnibus Objection as to Proof of Claim No. 113880 (the “Ruiz Diaz Claim”), filed by Carmen Ruíz Díaz (“Ruiz Diaz”):

1. On June 29, 2018, Ruíz Díaz filed the Ruíz Díaz Claim. Therein, Ruíz Díaz asserted, *inter alia*, liabilities associated with the following litigations<sup>3</sup>:

- *Delfina Lopez Rosario y otros v. Policía de Puerto Rico y otros*, Case Num. T-01-10-372 (the “Lopez Rosario Litigation”); and
- *Carmen M. Ruíz Díaz v. Policía de Puerto Rico*, Case Num. Q-2003-03-0007 (the “Ruiz Diaz Litigation”).

2. On June 18, 2021, the Debtors filed the Three Hundred Fifty-First Omnibus Objection seeking to partially disallow claims that are substantively duplicative, in part, of other proofs of claim filed in the Title III Cases (collectively, the “Claims to Be Partially Disallowed”). As set forth in the Three Hundred Fifty-First Omnibus Objection and supporting exhibits thereto,

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<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101-2241.

<sup>3</sup> The Ruíz Díaz Claim also asserts liabilities associated with requests for certain salary increases and job reclassifications. Those liabilities have been transferred to the administrative claims reconciliation process (“ACR”).

the Ruíz Díaz Claim asserts, in part, the same liabilities as those asserted in the master claims filed on behalf of all plaintiffs in the litigation captioned *Delfina Lopez Rosario et al. v. Puerto Rico Police Department*, No. T-01-10-372 (the “Lopez Rosario Master Claims”). Accordingly, the Ruíz Díaz Claim should be partially disallowed because, to the extent it asserts liabilities associated with the Lopez Rosario Litigation, it is duplicative of the Lopez Rosario Master Claims.

3. On July 20, 2021, Carmen Ruíz Díaz (“Ruíz Díaz”) filed an untitled response [ECF No. 17497] (the “Ruíz Díaz Response”) to the Three Hundred Fifty-First Omnibus Objection. Therein, in addition to the liabilities already asserted in the Ruíz Díaz Claim, Ruíz Díaz asserts a litigation entitled “the Delfina Velázquez case.” *Id.* Because, according to Ruíz Díaz, she “has not received payment for the Delfina Velazquez case,” Ruíz Díaz “requested to continue this process with Prime Clerk.” *Id.*; *see also id.* at 2.

4. On January 5, 2022, the Debtors filed the *Reply of the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Responses Filed by Zulma I. Cruz Irizarry [ECF No. 17406], Yolanda Rivera Rivera [ECF No. 17435], and Carmen Ruíz Díaz [ECF No. 17497] to Three Hundred Fifty-First Omnibus Objection (Non-Substantive) to Partial Duplicate Litigation Claims* [ECF No. 19659] (the “Reply”). The Reply asserts, among other things, that the Court should grant the Three Hundred Fifty-First Omnibus Objection notwithstanding the Ruíz Díaz Response because the Ruíz Díaz Response does not dispute that the liabilities asserted in the Ruíz Díaz Claim are partially duplicative of the liabilities asserted by the Lopez Rosario Master Claims. Reply at 6-7.

5. On January 20, 2022, the Court heard oral argument regarding the Ruíz Díaz Response and the Debtors’ Reply thereto. During the hearing, Ruíz Díaz reiterated that the Ruíz

Díaz Claim asserts a case captioned “Delfina Velázquez” and “would like to maintain [her] claim filed with Prime Clerk.” Hrg Tr. at 47:10-19, 50:5-18. In response to the Court’s question regarding whether Ruíz Díaz opposes the Debtors’ request to disallow the portion of her claim that is duplicative of the Lopez Rosario Master Claims, Ruíz Díaz stated: “No ... [t]he name of the matter is *Delfina Velázquez* ... and González was the attorney.” *Id.* at 51:19–52:3.

6. Because it was “not clear . . . we are all talking about exactly the same cases,” the Court thereafter directed the Debtors to file a “supplemental explanation of what the cases are, what the names of the cases are, as the debtor understands it, and what the duplicative master claims are, and who they were filed by, and explain again what is being sought to be disallowed.” *Id.* at 52:9-13.

7. As set forth above, the Debtors understand that the Ruíz Díaz Claim and the Ruíz Díaz Response collectively assert the following litigations:

- The Lopez Rosario Litigation, Case Num. T-01-10-372;
- The Ruíz Díaz Litigation, Case Num. Q-2003-03-0007; and
- A litigation captioned, in part, “Delfina Velázquez,” for which no case number was provided (the “Delfina Velázquez Litigation”).

8. As explained in the Three Hundred Fifty-First Omnibus Objection, the Lopez Rosario Master Claims, which were filed by attorney Ivonne González Morales, assert over \$20 million in liabilities arising from a complaint filed by employees of the Puerto Rico Police Department in the Comisión Apelativa del Servicio Público. In the complaint, plaintiffs assert they are entitled to back pay illegally withheld by the Puerto Rico Police Department pursuant to the Office of Public Service Personnel’s “General Memorandum No. 5-86,” which, plaintiffs contend, was improperly implemented. As supporting documentation, the Lopez Rosario Master Claims attach, *inter alia*, a chart identifying each individual plaintiff in the Lopez Rosario

Litigation. Ruíz Díaz is included among the names on that chart. Further, Ivonne González Morales—who identifies herself as the attorney for the plaintiffs group in the Lopez Rosario Litigation—filed the Lopez Rosario Master Claims on behalf of all members of the plaintiffs group.

9. The Debtors seek to disallow *solely* the portion of the Ruíz Díaz Claim that asserts liabilities associated with the Lopez Rosario Litigation and is, therefore, duplicative of the Lopez Rosario Master Claims. It is clear that the Ruíz Díaz Claim asserts liabilities associated with the Lopez Rosario Litigation because it attaches a copy of a petition for an appeal in the Lopez Rosario Litigation. Ruíz Díaz Claim at 28. That petition is signed by Ruíz Díaz, and it states that “Ivonne González is [her] designated representative.” *Id.* The Ruíz Díaz Claim also attaches a letter from Ivonne González Morales to “clients” regarding the status of the Lopez Rosario Litigation. *Id.* at 31.

10. The Debtors do not seek to disallow the Ruíz Díaz Claim to the extent it also seeks to assert liabilities associated with either (1) the Ruíz Díaz Litigation, (2) the Delfina Velazquez Litigation, or (3) the ordinary-course salary adjustment and reclassification claims transferred to ACR.

11. Accordingly, the Three Hundred Fifty-First Objection should be granted, notwithstanding the Ruíz Díaz Response or Ruíz Díaz’s representations at the Hearing.

Dated: May 24, 2022  
San Juan, Puerto Rico

Respectfully submitted,

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